

AO 100 (Rev. 06/09) Agreement to Forfeit Real Property to Obtain a Defendant's Release

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CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
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## UNITED STATES DISTRICT COURT

for the

District of Arizona

United States of America

v.

David Allen Harbour

PROPERTY BEING POSTED OWNED BY THE JULIANNE  
GOTTSCALK TRUST NO. 1*Defendant*

Case No. CR-19-0898-PHX-DLR

**AGREEMENT TO FORFEIT REAL PROPERTY TO OBTAIN A DEFENDANT'S RELEASE**

To obtain the defendant's release, we jointly and severally agree to forfeit the following property to the United States of America if this defendant fails to appear as required for any court proceeding or for the service of any sentence imposed as may be noticed or ordered by any court considering this matter, or fails to comply with any conditions of release set by the court (*describe property and any claim, lien, mortgage, or other encumbrance on it*):

15527 E. Palatial Drive, Fountain Hills, AZ 85268

SEE ATTACHED APPDENIX FOR LEGAL DESCRIPTION AND CURRENT LIENS

*Ownership.* We declare under penalty of perjury that we are this property's sole owners and that it is not subject to any claim, lien, mortgage, or other encumbrance except as disclosed above. We promise not to sell, mortgage, or otherwise encumber the property, or do anything to reduce its value while this agreement is in effect. We deposit with the court the following ownership documents, including any encumbrance documents (*list all documents and submit as attachments*):

The owner of the property is The Julianne Gottschalk Trust No. 1. A list of all ownership and encumbrance documents submitted are listed in the attached appendix.

*Surety Information.* We understand that the court and the United States of America will rely on the surety information in approving this agreement.

*Conditions of Release.* We state that we have either read all court-ordered conditions of release imposed on the defendant or had them explained to us.

*Continuing Agreement.* Unless the court orders otherwise, this agreement remains in effect during any appeal or other review until the defendant has satisfied all court notices, orders, and conditions.

*Exoneration of Sureties.* This agreement is satisfied and ends if the defendant is exonerated on all charges or, if convicted, the defendant reports to serve any sentence imposed.

*Forfeiture.* If the defendant fails to obey all conditions of release, court notices, and orders to appear, the court will immediately order the property forfeited and on motion of the United States of America may order a judgment of forfeiture against the signing parties and their representatives, jointly and severally, including interest and costs.

AO 100 (Rev. 06/09) Agreement to Forfeit Real Property to Obtain a Defendant's Release

I swear under penalty of perjury that the above information is true and agree to the conditions of this agreement.

Date: 9-12-2019City and state: Belleville, KS 66935

Defendant (if a property owner)

Julianne Gottschalk  
 Property owner's printed name

Timothy Gottschalk  
 Property owner's printed name

Property owner's printed name

Julianne Gottschalk  
 Trustee of Julianne Gottschalk  
 Trust No. 1  
Timothy Gottschalk  
 Trustee of Julianne  
 Gottschalk Trust No. 1

Property owner's signature

Sworn and signed before me.

CLERK OF COURT

Date: 9/30/2019

C. Snow  
 Signature of Clerk or Deputy Clerk

Agreement accepted.

UNITED STATES OF AMERICA

Date: 9/25/19

for Kevin Rapp  
 Assistant United States Attorney's signature

Agreement approved.

Date: 9-30-19

Daborek  
 Judge's signature

OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
ADRIAN FONTES  
20190098636 02/13/2019 08:23  
PAPER RECORDING

AFTER RECORDING RETURN TO:

0146306-2-1-1  
crocfers

Arrowood Helbert PLLC  
15721 N Greenway Hayden Loop  
Suite 101  
Scottsdale, Arizona 85260

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**SPECIAL WARRANTY DEED /  
EXEMPT 11-1134B(8) /**

**GRANTOR:**

**JULIANNE GOTTSCHALK, A MARRIED WOMAN AS HER SOLE AND SEPARATE  
PROPERTY**

**GRANTEE:**

**JULIANNE GOTTSCHALK AND TIMOTHY E. GOTTSCHALK, TRUSTEES, OR  
THEIR SUCCESSORS IN INTEREST, OF THE JULIANNE GOTTSCHALK TRUST  
NO. 1, DATED SEPTEMBER 28, 2018, AND ANY AMENDMENTS THERETO.**

**DESCRIPTION OF REAL PROPERTY CONVEYED BY THIS DEED:**

**Lot 7, PALATIAL ESTATES, according to the plat of record in the  
office of the County Recorder of Maricopa County, Arizona, recorded  
in Book 774 of Maps, Page 8;**

**EXCEPT for oil, gases, and other hydrocarbon substances, coal,  
stone, metals, minerals, fossils and fertilizers of every name and  
description, together with all uranium, thorium or any other material  
which is or may be determined to be peculiarly essential to the  
production of fissionable materials, whether or not of commercial  
value, in, on or under the property; and**

**EXCEPT all underground water in, under or flowing through property  
and water a rights appurtenant thereto.**

**SUBJECT TO: Existing taxes, assessments, covenants, conditions,  
restrictions, rights of way, easements, and all other matters of record.**

**FOR GOOD AND SUFFICIENT CONSIDERATION, the above-named Grantor does  
hereby GRANT and CONVEY unto the above-named Grantee, the real property above  
described, together with the appurtenances. This deed is given for estate planning**

14



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purposes, without valuable consideration in cash or property, to vest title to the property in a living trust established by Grantor.

Grantor WARRANTS that Grantor has good right and authority to execute and deliver this deed to the Grantee, and that Grantor is the owner in fee simple of said premises, subject only to those encumbrances of record, if any, which were made, suffered, or assumed by the Grantor.

**NOTE: The law firm preparing this instrument has not examined the title to the real property described herein, and has expressed no opinion regarding the title to said real property.**

Julianne Gottschalk  
Julianne Gottschalk, Grantor

DATED: 2-7-2019

Pursuant to A.R.S. § 33-404, the undersigned declares under oath that she is a Trustee of **The Julianne Gottschalk Trust No. 1, dated September 28, 2018, and any amendments thereto** and that Julianne Gottschalk is the only person with a current vested interest in said trust and therefore is the sole beneficiary thereof. The address of the beneficiary is 15527 East Palatial Drive, Fountain Hills, Arizona 85268.

Julianne Gottschalk  
Julianne Gottschalk, Trustee

DATED: 2-7-2019

State of ARIZONA )  
 ) ss  
County of Maricopa )

# ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me on this 7<sup>th</sup> day of February, 2019, by Julianne Gottschalk as Grantor and as Trustee of The Julianne Gottschalk Trust No. 1, dated September 28, 2018, and any amendments thereto.

Michael Helbert  
Notary Public

My Commission Expires: 4/30/2022

2

